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TITLE 71 INDIANA HORSE RACING COMMISSION

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Emergency Rule  
LSA Document #16-138(E)

## DIGEST

Amends [71 IAC 3-2-9](#) regarding the judge's list. Amends [71 IAC 4-4-10](#) and [71 IAC 4.5-4-10](#) regarding the In Today program. Amends [71 IAC 6.5-1-4](#) regarding prohibitions. Amends [71 IAC 7-3-7](#) regarding driving rules. Amends [71 IAC 7-3-13](#) regarding whip restrictions. Amends [71 IAC 7-3-24](#) regarding horse falls. Amends [71 IAC 9-1-13](#) regarding betting pools. Adds [71 IAC 9-4-17](#) regarding pentafecta wagers. Effective March 30, 2016.

[71 IAC 3-2-9](#); [71 IAC 4-4-10](#); [71 IAC 4.5-4-10](#); [71 IAC 6.5-1-4](#); [71 IAC 7-3-7](#); [71 IAC 7-3-13](#); [71 IAC 7-3-24](#); [71 IAC 9-1-13](#); [71 IAC 9-4-17](#)

SECTION 1. [71 IAC 3-2-9](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 3-2-9](#) Judge's list**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 9. (a) The judges shall maintain a judge's list of the horses that are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health and safety of the participants and for the protection of the wagering public. The reasons for a horse to be placed on the judge's list and ordered to qualify shall include, but not be limited to, the following on a fast or good track:

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race unless finishing first, second, or third. Two (2) year old non-wagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.
- (3) Poor performance or failure to go in a qualifying time.
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Making breaks in two (2) consecutive starts unless finishing first, second, or third in one (1) of the two (2).
- (6) Being scratched sick or lame in two (2) consecutive programmings. ~~or scratched sick or lame from a race following a qualifying race.~~
- (7) Scratched sick/lame in a race previous or subsequent to a break line.
- (8) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.
- (9) Poor performance while competing in a race followed by a break later in that race.

(b) Horses racing at all county fair race tracks that return to pari-mutuel race tracks to compete shall be bound by the same qualifying and judge's list standards as horses racing at the Indiana pari-mutual *[sic]* tracks. Time allowances for half-mile tracks shall be set by the race secretary at the pari-mutuel track, except as indicated in the conditions of the Indiana sires stakes.

(c) Horses that are on the judge's list or are not eligible to compete due to the qualifying standards at the Indiana pari-mutuel race track may be allowed to compete in "paid in events" if they have a clean line in qualifying time in the last thirty (30) days (race date to race date) unless declared ineligible under [71 IAC 3-2-9\(g\)](#) or [71 IAC 3-2-9\(h\)](#) *[subsections (g) and (h)]*.

(d) Horses allowed to race in a "paid in event" under [71 IAC 3-2-9\(c\)](#) *[subsection (c)]* that fail to show a clean line or go in qualifying time in that event shall be placed on the judge's list and show a successful qualifying race prior to competing in another "paid in event".

(e) The judges may place a horse on the judge's list when there exists a question as to the exact identification, ownership, or trainer of a horse.

(f) A horse may not be released from the judge's list without permission of the judges.

(g) Qualifying standards shall not be waived for non-Indiana late closers, Indiana sire stakes finals, late closer finals, and all "paid in events" if there exist *[sic, exists]* a compromise with the health and safety of the participants in those races.

(h) Horses that are placed on the vets or judge's list as sick, lame, or injured for a specified number of days, which includes the race date or are required to qualify before racing by the vet or starter, shall not be eligible to race under rule [71 IAC 3-2-9\(c\)](#) *[subsection (c)]*.

*(Indiana Horse Racing Commission; [71 IAC 3-2-9](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; emergency rule filed Apr 9, 1998, 1:18 p.m.: 21 IR 3377; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2754; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2745; emergency rule filed Jan 25, 2006, 10:30 a.m.: 29 IR 1955; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#))*

SECTION 2. [71 IAC 4-4-10](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 4-4-10](#) "In Today" program**

**Authority:** [IC 4-31-3-9](#); [IC 4-31-12-1](#); [IC 4-31-13-4](#)

**Affected:** [IC 4-31](#)

Sec. 10. (a) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse ~~prior to 10:00 a.m.~~ on the day of the scheduled race.

(b) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(c) The association shall establish track rules for the implementation of the "In Today" program that shall be subject to the approval of the commission or its executive director.

*(Indiana Horse Racing Commission; [71 IAC 4-4-10](#); emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3032; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#))*

SECTION 3. [71 IAC 4.5-4-10](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 4.5-4-10](#) "In Today" program**

**Authority:** [IC 4-31-3-9](#); [IC 4-31-12-1](#); [IC 4-31-13-4](#)

**Affected:** [IC 4-31](#)

Sec. 10. (a) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse ~~prior to 10:00 a.m.~~ on the day of the scheduled race.

(b) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(c) The association shall establish track rules for the implementation of the "In Today" program that shall be subject to the approval of the commission or its executive director.

*(Indiana Horse Racing Commission; [71 IAC 4.5-4-10](#); emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3033; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#))*

SECTION 4. [71 IAC 6.5-1-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 6.5-1-4](#) Prohibitions**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 4. (a) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

(b) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(c) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

(d) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

(e) A person shall not file a claim more than one (1) horse in a race or file more than one (1) claim for the same horse. However, owners utilizing the same trainer may claim different horses from the same race.

(f) A person shall not claim more than one (1) horse in a race. However, owners utilizing the same trainer may claim different horses from the same race.

(g) The association shall ensure the claim box is locked. The association shall unlock the claim box only after the deadline for claiming a horse has passed.

(h) For a period of thirty (30) days after a claim, a horse shall not start in a race in which the determining eligibility price is less than the price at which it was claimed. The day claimed shall not count for purposes of counting the applicable thirty (30) day period, and for this purpose the immediate following calendar day after the day claimed shall be the first day. The horse shall be entitled to enter whenever necessary so that the horse may start on the thirty-first calendar day following the claim for any claiming price.

~~(i) The enforcement of regulations prohibiting a horse claimed in another state from racing in Indiana shall be the responsibility of the jurisdiction in which the horse was claimed.~~ **No horse claimed out of a claiming race shall race outside of the state of Indiana for a period of sixty (60) days without the permission of the stewards and racing secretary, or until the conclusion of the race meet.**

*(Indiana Horse Racing Commission; [71 IAC 6.5-1-4](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: [IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document*

#99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 55; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Apr 30, 2010, 1:34 p.m.: [20100505-IR-071100256ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#))

SECTION 5. [71 IAC 7-3-7](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 7-3-7](#) Driving rules**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 7. (a) Although a leading horse is entitled to any part of the track, neither the driver of the first horse or any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

- (1) Change either to the right or left during any part of the race when another horse is so near that in altering the position the horse behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.
- (2) Jostle, strike, hook wheels, or interfere with another horse or driver.
- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.
- (4) Swerve in and out or pull up quickly.
- (5) Crowd a horse or driver by putting a wheel under the horse or driver.
- (6) Carry a horse out.
- (7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.
- (8) Let a horse pass inside or outside needlessly or otherwise help another horse to improve its position in the race.
- (9) Commit any act which shall impede the progress of another horse or cause it to break.
- (10) Change course after selecting a position in the homestretch, swerve in and out, or bear in and out in such a manner as to interfere with another horse or cause it to break.
- (11) Drive in a careless or reckless manner.
- (12) Maintaining a position of half in and half out.
- (13) Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed when there is no strategic reason to do so.
- (14) If any of the violations in this subsection is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.
- (15) Drivers must set and maintain a pace comparable to the class in which the driver is racing or the horse's abilities.**

(b) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of this section must, before dismounting, indicate to the judges or patrol judge his or her desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint has been entered and considered.

(c) In case of interference, collision, or violation of any of the restrictions in subsections (a) and (b), the offending horse may be placed back one (1) or more positions in that heat or dash. In the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver shall be fined, suspended, or both. In the event a horse is set back under this subsection, it must be placed behind the horse with whom it interfered. An interference that occurs to a horse(s) not in contention that did not affect the outcome of a race to that horse or any other horse as it applies to purse money won may not be grounds for a disqualification. Although, the driver causing the interference may still

be penalized.

(d) If there be any purse money for which horses have started but were unable to finish due to interference and/or an accident, all unoffending horses who did not finish will share equally in such purse money.

(e) A driver shall not:

- (1) fail to display competitive urging or cease driving while in contention in the home stretch;
- (2) race in an inconsistent manner;
- (3) drive in an unsatisfactory manner due to lack of effort;
- (4) drive in an unsatisfactory manner due to carelessness; or
- (5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.

(f) If the judges determine that any of the above actions were such that they compromised the integrity of racing or were to aid or perpetrate a fraud, then the licensee may be summarily suspended pending a judges hearing.

(g) Anyone acting in concert with the driver to so effect the outcome of the race or races may be summarily suspended pending a judges hearing.

*(Indiana Horse Racing Commission; [71 IAC 7-3-7](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2913; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2108; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2749; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#))*

SECTION 6. [71 IAC 7-3-13](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 7-3-13](#) Whip restriction**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 13. (a) In all pari-mutuel and qualifying races drivers will be allowed whips not to exceed four (4) feet plus a snapper not longer than six (6) inches. Drivers must have control of their horses at all times and handholds must be adjusted so as to be taut with the elbows in front of the chest.

(b) Whipping action shall be limited to wrist action with minimal elbow movement.

(c) The whip may strike above and between the shafts only. Whipping below the shaft in the stifle area may result in disqualification.

(d) The following actions shall be considered as excessive and/or indiscriminate:

- (1) Whipping of a horse during post parade or after the finish.
- (2) Continuous use of the whip.
- (3) Striking any part of the whip under the tail or between the legs.
- (4) Whipping a horse not advancing through the field.
- (5) Causing visible injury.



- (6) The use of any sharp object or stimulating device.
- (7) Any part of the whip may not be used for jabbing.

(e) Drivers shall keep a line in each hand from the start of the race until the ~~top of the homestretch finishing the race.~~ **finish of the race.**

(f) Violation of any of these rules may result in a fine and/or suspension or commission referral.

*(Indiana Horse Racing Commission; [71 IAC 7-3-13](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2750; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#))*

SECTION 7. [71 IAC 7-3-24](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 7-3-24](#) Horse falls on track**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 24. Should any horse in the current program fall or get loose on the track or be involved in an accident of any kind after starting to warm up, that horse will only be permitted to start after examination and approval by the racing veterinarian. ~~Should any horse fall or get loose during the post parade or during the time elapsed before the word "go" is given, the horse shall be scratched by the and judges. and a refund ordered of all wagers on the horse.~~

*(Indiana Horse Racing Commission; [71 IAC 7-3-24](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#))*

SECTION 8. [71 IAC 9-1-13](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 9-1-13](#) Pools dependent on betting interests**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 13. (a) Unless the commission otherwise provides, one-half (1/2) hour prior to post time for the first race, the association:

- (1) may offer win, place, and show wagering on all contests with six (6) or more betting interests;
- (2) may be allowed to prohibit show wagering on any contest with five (5) or fewer betting interests scheduled to start;
- (3) may be allowed to prohibit place wagering on any contest with four (4) or fewer betting interests scheduled to start;
- (4) may be allowed to prohibit quinella wagering on any contest with three (3) or fewer betting interests scheduled to start;
- (5) may be allowed to prohibit quinella double wagering on any contests with three (3) or fewer betting

interests scheduled to start;  
(6) may be allowed to prohibit exacta wagering on any contest with three (3) or fewer betting interests scheduled to start;  
(7) shall prohibit trifecta wagering on any contest with five (5) or fewer betting interests scheduled to start;  
(8) may be allowed to prohibit twin quinella wagering on any contests with three (3) or fewer betting interests scheduled to start;  
(9) shall prohibit twin trifecta wagering on any contests with five (5) or fewer betting interests scheduled to start;  
(10) shall prohibit superfecta wagering on any contest with six (6) or fewer betting interests to start; and  
**(11) shall prohibit pentafecta wagering on any contest with seven (7) or fewer betting interests; and**  
~~(44)~~ **(12)** may be allowed to prohibit odd-even wagering on any contest with four (4) or fewer betting interests.

(b) Notwithstanding subsection (a), the timing of advance performance wagering shall be governed by [71 IAC 9-1-5](#) [section 5 of this rule].

*(Indiana Horse Racing Commission; [71 IAC 9-1-13](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1180; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2082; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2160; emergency rule filed Mar 18, 1998, 1:40 p.m.: 21 IR 3022; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#))*

SECTION 9. [71 IAC 9-4-17](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 9-4-17](#) Pentafecta wagering**

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

**Sec. 17. (a) The pentafecta wager requires selection of the first five (5) finishers, in their exact order, for a single contest.**

**(b) Winnings shall be distributed as follows:**

**(1) The net pentafecta pool shall be distributed to winning wagers in the following order, based on the official order of finish:**

**(A) As a single price pool, including any applicable carryover, to those whose combination finished in correct sequence as the first five (5) betting interests.**

**(B) If there are no wagers as outlined in (A) [clause (A)], then the entire net pool shall be retained and added to a corresponding carryover pool into the next designated pentafecta race.**

**(C) If the contest race is cancelled, declared no contest, or the pentafecta is cancelled, all pentafecta wagers will be refunded for that contest and any carryover from previous contests will be carried over to the next contest.**

**(D) If any betting interest is scratched or officially withdrawn, all pentafecta wagers with the scratched betting interest shall be refunded and deducted from the pentafecta pool.**

**(2) On the last pentafecta race on the final day of the meeting, the net pool, including any applicable carryover, shall be distributed to winning wagers in the following order, based upon the official order of finish:**

**(A) As a single price pool to those whose combination finished in correct sequence as the first five (5) betting interests.**

**(B) If there are no wagers as described in (A) [clause (A)], then as a single price pool to those whose combination finished in correct sequence as the first four (4) betting interests.**

**(C) If there are no wagers as described in (A) or (B) [clause (A) or (B)], then as a single price pool to those whose combination included, in correct sequence, the first three (3) betting interests.**

**(D) If there are no wagers as described in (A), (B), or (C) [clause (A), (B), or (C)], then as a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests.**

**(E) If there are no wagers as described in (A), (B), (C), or (D) [clause (A), (B), (C), or (D)], then as a single price pool to those whose combination correctly selected the first-place betting interest only.**

**(F) If there are no wagers as described in (A), (B), (C), (D), or (E) [clause (A), (B), (C), (D) or (E)], then**

**the entire pool shall be refunded on pentafecta wagers for that contest and any carryover from previous contests will be carried over to the next contest of the subsequent race meet.**

**(c) If for any reason the pentafecta carryover must be held over to the corresponding pentafecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission and maintained by the permit holder. The pentafecta carryover plus accrued interest shall then be added to the net pentafecta pool of the following meet on a date and performance so designated by the commission.**

**(d) If fewer than five (5) betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection on any ticket beyond the number of betting interests completing the contest shall be ignored. If the pools are being distributed under subsection (b)(1)(A), any previous pentafecta contest's carryover will not be included in the payoff and will be retained for the next contest's carryover. This contest's net pentafecta pool will be distributed using the method described in subsection (b)(1)(A).**

**(e) If there is a dead heat in any finishing position, all wagers selecting either of the dead heated positions with the correct non-dead heated positions shall be winners and share in the single prize.**

**(f) In the event that more than one (1) component of a coupled entry or mutuel field finishes within the first five (5) positions, the first member of the coupled entry or mutuel field to finish shall determine the position of the single betting interest. The net pool shall be distributed to those whose selection included the coupled entry or mutuel field and each of the other four (4) betting interests.**

*(Indiana Horse Racing Commission; [71 IAC 9-4-17](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#))*

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